



MEMO ENDORSED

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August 10, 2021

Via Ecf

Hon. Katherine H. Parker, U.S.M.J.
United States District Court
500 Pearl Street
New York, NY 10007

Re: Status Report and Requesting to Adjourn the Conference Currently scheduled for August 11, 2021 and Further Extend Discovery Deadline:

1:20-cv-02635-PAE-KHP *Abundiz Carranza v. VBFS, Inc. et al*

Your Honor,

We represent the Plaintiff in the above referenced matter. We write respectfully with the consent of Defendants to (1) report the status of the case; (2) extend the time to complete discovery by 90 days; and (3) adjourn the conference currently scheduled for August 11, 2021, by 60 days. This is the first request to adjourn the conference and granting such request will not prejudice any party.

On April 19, 2021, Your Honor, issued a Court authorized notice of 29 U.S.C. 216 collective action notice. *See* Dkt. No. 36. On May 21, 2021, Defendant's counsel provided an excel list which contained only with Defendants' employee name, employee gender, employee job position, employee period of employment with Defendants and employee phone numbers were provided only for three employees. Upon review of the name list and not having sufficient information to mail out the notice of pendency to all the potential opt-in Plaintiffs. On May 22, 2021, Plaintiff's counsel emailed Defense Counsel proposing to do newspaper and social media publication at Defendants cost for Defendant's failure to provide adequate namelist. On July 29, 2021, both the parties were able to confer and stipulate to do newspaper publication of the notice of pendency at Defendants expense. Parties are now finalizing the terms of the stipulation prior to newspaper publication.

Secondly, in light of the pending publication, the parties have not conducted the any depositions in this matter bearing in mind of the potential opt-in Plaintiffs. Due to the parties not conducting depositions in the action, the parties ask for an additional 90 days to complete discovery in the action. The parties were unable to conduct depositions in the time prior to the request due to the parties not being able to nail down a date for depositions. Additionally, the parties focused all their energy into Publication Stipulation and decided to look to conduct depositions at a later date. Parties ask for this extension because the opt-in period for the Motion for Conditional Collective Certification is 60 days and the parties would like to give enough time for discovery to be conducted if any potential opt-in plaintiffs that may join. Furthermore 90 days will give the parties enough time to nail down dates for depositions in the action.

Application.

Discovery deadline extended 90

days aug. 11,

2021 conference adjourned.

The parties shall file a status report by September 10, 2021. So ordered Katherine H. Parker 8/10/21

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Finally, for the reasons stated above the parties believe that the conference scheduled for August 11, 2021 should be adjourned by 60 days. Parties both agree that the case is moving very well and that there minimal to report. Parties believe that by 60 days there will be more to discuss such as potential opt-in plaintiffs that could opt-in from the Motion of Conditional Collective Certification and the winding up of discovery in the action. The parties would not like to waste the courts time and resources because there is very minimal to report and believe it would be a better use of the courts time and resources if the conference tomorrow was adjourned by 60 days.

For the reasons stated above the parties respectfully request that the Conference for August 11, 2021 be adjourned by 60 days and that the discovery in the case be extended by 90 days.

We thank the Court for its time and consideration in this matter and apologize for inconveniencing the court.

Respectfully Submitted,

/s/ Aaron Schweitzer

Aaron Schweitzer

Cc: all counsel of record *via* Ecf

AS/gdpk